

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Chino Valley Unified School District (the “School District”) is located in San Bernardino County. William J. Klein, Fred Youngblood, Jr., Michael G. Calta, John H. Pruitt, Jr. and Bobby Grizzle, Jr. are elected members of the School District’s Board of Education (“members of the Board”). Government Code section 89001 of the Political Reform Act (the “Act”)<sup>1</sup> prohibits the sending of a newsletter or mass mailing at public expense, if the mailing features an elected officer affiliated with the agency that produces or sends the mailing. In this matter, Respondent sent, at public expense, a letter to approximately 50,000 residents of the School District signed by the members of the Board.

For the purposes of this stipulation, Respondent’s violation of the Act is stated as follows:

**COUNT 1:** Respondent sent a mass mailing at public expense by sending to residents a letter, dated June 1, 2006, which was signed by five elected Board of Education members, in violation of section 89001.

### **SUMMARY OF THE LAW**

#### **Prohibition Against Mass Mailing at Public Expense**

An express purpose of the Act, as set forth in section 81002, subdivision (e), is to ensure that laws and practices unfairly favoring incumbents be abolished in order for elections to be conducted more fairly. The Act therefore places restrictions on the use of public funds by an incumbent elected officer when communicating with his or her constituents. (*Watson v. Fair Political Practices Com.* (1990) 217 Cal.App.3d 1059.) Section 89001 prohibits the sending of a newsletter or mass mailing at public expense. Section 82041.5 defines a “mass mailing” as more than two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.

Regulation 18901, subdivision (a) provides that a mailing is prohibited by section 89001 if four criteria are met. First, the item must be delivered, by any means, to the recipient at his or her residence, place of employment or business, or post office box. The item may be any tangible item, such as a videotape, record, button, or written document. (Regulation 18901, subd. (a)(1).)

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Practices Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations. All regulatory references are to title 2, division 6 of the California Code of Regulations, unless otherwise indicated.

Second, the item must feature an elected officer affiliated with the agency that produces or sends the mailing. (Regulation 18901, subd. (a)(2)(A).) An item features an elected officer when the item includes, among other things, the elected officer's signature. (Regulation 18901, subd. (c)(2).)

Third, the cost of distributing the item must be paid for with public moneys. (Regulation 18901, subd. (a)(3)(A).) In the alternative, the cost of designing, producing, and printing the item must exceed \$50 and must be paid for with public moneys and the design, production, or printing is done with the intent of sending the item other than as permitted by regulation 18901. (Regulation 18901, subd. (a)(3)(B).)

Fourth, more than 200 substantially similar items must be sent, in a single calendar month, excluding any item sent in response to an unsolicited request. (Regulation 18901, subd. (a)(4).)

## **SUMMARY OF THE FACTS**

### **COUNT 1**

#### **Sending a Prohibited Mass Mailing at Public Expense**

As a government agency, Respondent is prohibited from sending any written document or other mass mailing at public expense if the mailing features an elected officer affiliated with the agency that produces or sends the mailing.

Respondent sent a four page letter, dated June 1, 2006, to approximately 50,000 residents of the Chino Valley Unified School District. The front page of the letter included the District's letterhead and the printed names of each member of the Chino Valley Board of Education. On the third page of the letter, the signatures of members of the Board appeared.

The June 1, 2006 letter was printed and sent by the Chino Valley Unified School District's Duplicating and Mail Department. The letter's printing costs were \$4,814.77. The postage fee for mailing the letter was \$3,474.79. These costs were paid with public money. Therefore Respondent spent a total of \$8,612.20 in public money to print and send the June 1, 2006 letter.

By sending the June 1, 2006 letter, featuring elected officials of the School District, to approximately 50,000 residents of the School District at a public expense of \$8,612.20, Respondent violated section 89001.

### **Additional Information**

Respondent was the subject of a previous enforcement action, which also involved the same type of mass mailing violation that is the subject of this stipulation. The previous matter was resolved with the issuance of an advisory letter in March 2001.

## **CONCLUSION**

This matter consists of one count of violating section 89001, and carries a maximum possible administrative penalty of \$5,000 per violation, for a total administrative penalty of \$5,000. The facts of this matter, as listed above, justify the imposition of a total administrative penalty of \$3,500.